



Testimony before the Aging Committee

Michael P. Starkowski, Commissioner

February 10, 2011

S.B. No. 365 AN ACT CONCERNING INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY.

SB 365 would amend the current statutory language relating to investigations of suspected abuse, neglect or exploitation of the elderly under the Protective Services for the Elderly (PSE) program. The current statute provides immunity from civil or criminal liability to any person making a report of suspected abuse or providing testimony. It notably already provides for liability for perjury. In addition to classifying willfully false testimony in any administrative or judicial proceeding arising from a false or malicious report of abuse as a Class D felony, this bill would similarly criminalize the actual making of such report to the PSE program.

It has taken a number of years to raise the awareness of elder abuse in our communities and encourage reporting of suspected incidences. Experience shows that by providing anonymity and protection from liability to reporters, the number of reports has substantially increased thus identifying a number of elders who would have otherwise suffered in silence. Granted, not every case can be substantiated, but the punitive language of this amendment will surely discourage some from making reports for fear of prosecution. Further, the department would be required to make a determination of what is or is not a fraudulent or malicious report before involving the criminal justice system which already cannot handle the volume of prosecutions of suspected perpetrators of the various forms of abuse. Unfortunately this amendment would change the focus of this statute away from the importance of reporting suspected abuse..

The department is opposed to section 1 of the bill.

There is merit, however, in giving the commissioner some options in reinvestigating reports of unsubstantiated abuse made within a relatively short period of time from an initial report. Department experience reflects that subsequent reports have revealed a change in circumstances or willingness to accept services which would be in the best interests of the elderly person. The department would support a standard of reasonableness within the commissioner's discretion rather than "proof beyond a

preponderance of the evidence” to determine whether or not the department pursues a further investigation. Possible substitute language for this section is provided below:

(2) If the commissioner receives a subsequent report alleging abuse, neglect, exploitation or abandonment of, or the need for protective services for, an elderly person who was the subject of an investigation under subdivision (1) of this subsection, within six months of having received such report pertaining to the same elderly person and having concluded that protective services were not needed, the commissioner shall not be required to investigate the subsequent report unless the person filing the subsequent report proves that the elderly person (A) is being, or has been, abused, neglected, exploited or abandoned, or is in need of protective services, or (B) has experienced a change in caretaker, living conditions or health since such investigation.

The department supports section 2 as amended.

S.B. No. 366 AN ACT CONCERNING FUNDING FOR ADULT DAY CARE CENTERS.

Adult Day Care is a valuable service provided to our frail elders. We currently spend a little over \$12 million per year on the program. However this proposal amounts to an approximately 13% increase in adult day care rates which would add a cost to the program of \$1,675,000 per year. Although the increase may be justifiable, given the current budget deficit, the Department cannot support this increase.

S.B. No. 774 AN ACT INCREASING ELIGIBILITY FOR THE ALZHEIMER'S RESPITE CARE PROGRAM.

SB 774 proposes to increase the annual eligibility requirement for an individual with Alzheimer's Disease from \$41,000 to \$50,000 effective July 1, 2011.

The Department opposes the increase in income limits for this program because doing so would likely reduce the amount of funds available to lower income clients, who, with limited resources, are the greatest users of this program and most in need of respite services.

In addition, it should be noted that, under PA 09-75, the annual eligibility requirement for an individual with Alzheimer's Disease was already increased significantly from \$30,000 to \$41,000 effective July 1, 2009. An additional increase at this time of limited resources is not recommended.

S.B. No. 775 AN ACT INCREASING ELIGIBILITY FOR THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY.

Raising the asset limit as proposed in SB 775 will clearly impact demand for the program. The proposal would increase the current asset limit by over 100%. We

estimate that this would in turn increase demand for the program by at least 25% per year for the next two years.

Additionally, we are concerned that if the demand were to increase, the infrastructure and provider networks are not in place to support such an expansion.

Given the current fiscal climate and concerns about the access to home care providers, this major expansion cannot be supported at this time.

H.B. No. 5499 AN ACT CONCERNING FINANCIAL ASSISTANCE TO THE STATE'S ASSISTED LIVING PILOT PROJECTS.

The Private Assisted Living Pilot Program currently funds services for 75 individuals in private assisted living facilities around the state. In order to be eligible for the program an individual must be eligible for the CHCPE.

This bill would increase the statutorily allowed number of enrollees in the Private Assisted Living Pilot Program from 75 to 150.

Given the current fiscal climate, an expansion cannot be supported at this time. Furthermore, we recommend that an independent review be conducted on the cost effectiveness of assisted living care versus skilled nursing to determine that this is an efficient use of state dollars.

H.B. No. 6155 AN ACT REDUCING THE INDIVIDUAL CONTRIBUTION UNDER THE STATE-FUNDED HOME-CARE PROGRAM FOR THE ELDERLY.

Reducing the cost-sharing requirement would have a significant fiscal impact resulting in a cost in excess of \$2.5 million per year.

Given the current fiscal climate, an expansion cannot be supported at this time.

